

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DIANA SAIKI,

Plaintiff,

v.

MCG HEALTH, LLC,

Defendant.

NO. 2:22-CV-849-RSM-DWC

**STIPULATED ORDER TO
CONSOLIDATE RELATED CASES
PURSUANT TO FRCP 42 AND
CONTINUE CASE MANAGEMENT
DEADLINES**

CYNTHIA STRECKER,

Plaintiff,

v.

MCG HEALTH, LLC,

Defendant.

NO. 2:22-cv-862-RSM-DWC

STIPULATED ORDER TO CONSOLIDATE RELATED CASES
PURSUANT TO FRCP 42 - 1

LEO THORBECKE and MARJORITA
DEAN,

Plaintiffs,

v.

MCG HEALTH, LLC,

Defendant.

NO. 2:22-cv-870-RSM-DWC

LINDA BOOTH, MARY NAPIER, and
CANDACE DAUGHERTY,

Plaintiffs,

v.

MCG HEALTH, LLC,

Defendant.

NO. 2:22-cv-00879-RSM-DWC

EVA DRESCH,

Plaintiff,

v.

MCG HEALTH, LLC,

Defendant.

NO. 2:22-cv-892-RSM-DWC

LINDA CRAWFORD and MICHAEL
PRICE,

Plaintiffs,

v.

MCG HEALTH, LLC,

Defendant.

NO. 2:22-cv-00894-RSM-DWC

STIPULATED ORDER TO CONSOLIDATE RELATED CASES
PURSUANT TO FRCP 42 - 2

JAN TAYLOR and SHELLEY TAYLOR,

Plaintiffs,

v.

MCG HEALTH, LLC,

Defendant.

NO. 2:22-cv-00925-RSM-DWC

JULIE MACK, JOANNE MULLINS and
INGRID COX,

Plaintiffs,

v.

MCG HEALTH, LLC,

Defendant.

NO. 2:22-cv-00935-RSM-DWC

KENNETH HENSLEY, as guardian of R.H.,

Plaintiffs,

v.

MCG HEALTH, LLC,

Defendant.

NO. 2:22-cv-00978-RSM-DWC

WHEREAS, between June 16, 2022 and July 15, 2022, nine (9) related proposed class actions were filed in the United States District Court, Western District of Washington arising out of an alleged data breach involving MCG Health, LLC (“MCG” or “Defendant”):

- *Saiki v. MCG Health, LLC*, No. 2:22-cv-00849 (“*Saiki*”), filed June 16, 2022, and currently pending before Judge Ricardo S. Martinez and Judge David W. Christel;
- *Strecker v. MCG Health, LLC*, No. 2:22-cv-00862 (“*Strecker*”), filed June 20, 2022, and currently pending before Judge Ricardo S. Martinez and Judge David W. Christel;

STIPULATED ORDER TO CONSOLIDATE RELATED CASES
PURSUANT TO FRCP 42 - 3

- 1 • *Thorbecke, et al. v. MCG Health, LLC*, No. 2:22-cv-00870 (“*Thorbecke*”), filed
- 2 June 21, 2022, and currently pending before Judge Ricardo S. Martinez and
- 3 Judge David W. Christel;
- 4 • *Booth, et al. v. MCG Health, LLC*, No. 2:22-cv-00879 (“*Booth*”), filed June 22,
- 5 2022, and currently pending before Judge Ricardo S. Martinez and Judge David
- 6 W. Christel;
- 7 • *Dresch v. MCG Health, LLC*, No. 2:22-cv-00892 (“*Dresch*”), filed June 24,
- 8 2022, and currently pending before Judge Ricardo S. Martinez and Judge David
- 9 W. Christel;
- 10 • *Crawford, et al. v. MCG Health, LLC*, No. 2:22-cv-00894 (“*Crawford*”), filed
- 11 June 24, 2022, and currently pending before Judge Ricardo S. Martinez and
- 12 Judge David W. Christel;
- 13 • *Taylor, et al. v. MCG Health, LLC*, No. 2:22-cv-00925 (“*Taylor*”), filed July 1,
- 14 2022, and currently pending before Judge Ricardo S. Martinez and Judge David
- 15 W. Christel;
- 16 • *Mack v. MCG Health, LLC*, No. 2:22-cv-00935 (“*Mack*”), filed July 6, 2022,
- 17 and currently pending before Judge Ricardo S. Martinez and Judge David W.
- 18 Christel; and
- 19 • *Hensley v. MCG Health, LLC*, No. 2:22-cv-00978 (“*Hensley*”), filed July 15,
- 20 2022, and currently pending before Judge Ricardo S. Martinez and Judge David
- 21 W. Christel (together, the “Related Cases”).

22 WHEREAS, on August 3, 2022, the Court ordered the parties “to meet-and-confer in
 23 accordance with Local Civil Rule 42(b) and either file a stipulation to consolidate or file a
 24 response of no more than five pages (excluding supporting declarations) SHOWING CAUSE
 25 why the above captioned cases should not be consolidated (without prejudice to later
 26 bifurcation, as appropriate) on or before August 22, 2022.” Dkt. 27.

1 WHEREAS, the parties have conferred and agree that consolidation is appropriate
 2 under Federal Rule of Civil Procedure (FRCP) 42(a) because the Related Cases involve
 3 common questions of law or fact, specifically, the cases name a common defendant, and allege
 4 similar claims on behalf of overlapping classes arising from the same alleged data breach;

5 WHEREAS, the Related Cases presently have varying court-imposed deadlines for
 6 holding the FRCP 26(f) conference, submitting initial disclosures, and submitting the Joint
 7 Status Report and Discovery Plan (*see, e.g., Booth*, Dkt. No. 15);

8 WHEREAS, maintaining these varying deadlines prior to consolidation would lead to
 9 inefficiency, duplication of effort, and an unnecessary expenditure of resources;

10 WHEREAS, to conserve party resources and for efficiency, the parties agree to defer the
 11 above-mentioned deadlines until after the filing of a consolidated complaint;

12 NOW THEREFORE, pursuant to Local Civil Rule (LCR) 42 and the Court's August 3,
 13 2022 Orders, the Parties STIPULATE and AGREE that:

14 1. The following actions pending in this District shall be consolidated for pre-trial
 15 proceedings and trial pursuant to FRCP 42(a) (hereafter the "Consolidated Action"):

- 16 • *Saiki v. MCG Health, LLC*, Cause No. 2:22-cv-00849, Judge Ricardo S. Martinez
- 17 • *Strecker v. MCG Health, LLC*, Cause No. 2:22-cv-00862, Judge Ricardo S. Martinez
- 18 • *Thorbecke, et al. v. MCG Health, LLC*, Cause No. 2:22-cv-00870, Judge Ricardo S.
 19 Martinez
- 20 • *Booth, et al. v. MCG Health, LLC*, Cause No. 2:22-cv-00879, Judge Ricardo S.
 21 Martinez
- 22 • *Dresch v. MCG Health, LLC*, Cause No. 2:22-cv-00892, Judge Ricardo S. Martinez
- 23 • *Crawford, et al. v. MCG Health, LLC*, Cause No. 2:22-cv-00894, Judge Ricardo S.
 24 Martinez
- 25 • *Taylor, et al. v. MCG Health, LLC*, Cause No. 2:22-cv-00925, Judge Ricardo S.
 26 Martinez

- *Mack, et al. v. MCG Health, LLC*, Cause No. 2:22-cv-00935, Judge Ricardo S. Martinez
- *Hensley v. MCG Health, LLC*, Cause No. 2:22-cv-00978, Judge Ricardo S. Martinez

2. All papers filed in the Consolidated Action must be filed under Case. No. 2:22-cv-00849, the number assigned to the first-filed case, and must bear the following caption:

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In re MCG Health Data Security Issue
Litigation

Case No. 2:22-cv-00849

3. The case file for the Consolidated Action will be maintained under the Master File Case No. 2:22-cv-00849.

4. The clerk is directed to file this order in all nine cases first, then administratively close the following related cases:

- a. *Strecker v. MCG Health, LLC*, No. 2:22-cv-00862;
- b. *Thorbecke, et al. v. MCG Health, LLC*, No. 2:22-cv-00870;
- c. *Booth, et al. v. MCG Health, LLC*, No. 2:22-cv-00879;
- d. *Dresch v. MCG Health, LLC*, No. 2:22-cv-00892;
- e. *Crawford, et al. v. MCG Health, LLC*, No. 2:22-cv-00894;
- f. *Taylor, et al. v. MCG Health, LLC*, No. 2:22-cv-00925;
- g. *Mack v. MCG Health, LLC*, No. 2:22-cv-00935;
- h. *Hensley v. MCG Health, LLC*, No. 2:22-cv-00978.

5. Any action subsequently filed, transferred, or removed to this Court that arises out of the same or similar operative facts as the Consolidated Action shall be automatically

consolidated with it within 10 calendar days following the filing of that action. If any party objects to such consolidation or otherwise wishes to seek alternative relief, they shall do so before the expiration of that period.

6. As soon as practicable, the parties shall file a Notice of Related Cases pursuant to LCR 3(g) whenever a case that should be consolidated into this action is filed in, or transferred to, this District. If the Court determines that the case is related, the clerk shall:

- a. place a copy of this Order in the separate file for such action;
- b. serve on plaintiff's counsel in the new case a copy of this Order;
- c. direct that this Order be served upon defendant(s) in the new case; and
- d. make the appropriate entry in the Master Docket.

7. The Parties further stipulate and agree to the following deadlines in the Related Cases:

Event	Deadline
Consolidated Class Action Complaint	30 days after the Related Cases are consolidated
FRCP 26(f) Conference	30 days after briefing is completed on Defendant's Motion to Dismiss
Defendant's Answer or Responsive Pleading ¹	45 days after filing of Consolidated Class Action Complaint
Joint Status Report and Discovery Plan	45 days after briefing is completed on Defendant's Motion to Dismiss
Initial disclosures pursuant to FRCP 26(a)(1)	25 days after the FRCP 26(f) Conference
Motion for class certification	To be set in connection with the issuance of a scheduling order after the Parties conduct their FRCP 26(f) conference and submit their Joint Status Report

¹ In the event MCG replies by way of motion, the Parties agree to meet and confer and submit a stipulation regarding an appropriate briefing schedule.

1 **IT IS SO STIPULATED.**

2 DATED this 17th day of August, 2022.

3 By: /s/ Jason T. Dennett

4 Jason T. Dennett (WSBA 30686)
5 Rebecca L. Solomon (WSBA 51520)
6 **TOUSLEY BRAIN STEPHENS PLLC**
7 1200 Fifth Avenue, Suite 1700
8 Seattle, WA 98101-3147
9 Telephone: (206) 682-5600
10 Facsimile: (206) 682-992
11 jdennett@tousley.com
12 rsolomon@tousley.com

13 Gary M. Klinger (*Pro Hac Vice*)
14 **MILBERG COLEMAN BRYSON**
15 **PHILLIPS GROSSMAN, PLLC**
16 227 W. Monroe Street, Suite 2100
17 Chicago, IL 60606
18 Telephone: (202) 429-2290
19 gklinger@milberg.com

20 Bryan L. Bleichner (*Pro Hac Vice*)
21 **CHESTNUT CAMBRONNE PA**
22 100 Washington Avenue South, Suite 1700
23 Minneapolis, MN 55401
24 Telephone: (612) 339-7300
25 Facsimile: (612) 336-2940
26 bbleichner@chestnutcambronne.com

*Counsel for Plaintiff Diana Saiki and the
Proposed Class*

By: /s/ M. Anderson Berry

M. Anderson Berry
CLAYEO C. ARNOLD, A
PROFESSIONAL LAW CORP.
865 Howe Avenue
Sacramento, CA 95825
Telephone: (916) 239-4778
Facsimile: (916) 924-1829
aberry@justice4you.com

By: /s/ Jennifer Rust Murray

Beth E. Terrell (WSBA #26759)
Jennifer Rust Murray (WSBA #36983)
TERRELL MARSHALL LAW GROUP
PLLC
936 North 34th Street, Suite 300
Seattle, WA 98103-8869
Telephone: 206-816-6603
Facsimile: 206-319-5450
bterrell@terrellmarshall.com
jmurray@terrellmarshall.com

Adam E. Polk (*Pro Hac Vice*)
Simon Grille (*Pro Hac Vice*)
Jessica Cook (*Pro Hac Vice*)
GIRARD SHARP LLP
601 California Street, Suite 1400
San Francisco, California 94108
Telephone: (415) 981-4800
Facsimile: (415) 981-4846
apolk@girardsharp.com
sgrille@girardsharp.com
jcook@girardsharp.com

*Counsel for Plaintiffs Linda Booth, Mary
Napier, Candace Daugherty, and the
Proposed Class*

By: /s/ Jason T. Dennett

Jason T. Dennett (WSBA 30686)
Rebecca L. Solomon (WSBA 51520)
TOUSLEY BRAIN STEPHENS PLLC
1200 Fifth Avenue, Suite 1700
Seattle, WA 98101-3147
Telephone: (206) 682-5600
Facsimile: (206) 682-992
jdennett@tousley.com
rsolomon@tousley.com

1 Timothy W. Emery (WSBA 34078)
2 Patrick B. Reddy (WSBA 34092)
3 **EMERY REDDY, PLLC**
4 600 Stewart Street, Suite 1100
5 Seattle, WA 98101
6 Telephone: (206) 442-9106
7 Facsimile: (206) 441-9711
8 emeryt@emeryreddy.com
9 reddyp@emeryreddy.com

10 *Counsel for Plaintiffs Jay Taylor, Shelley*
11 *Taylor, and the Proposed Class*

12 By: /s/ Samuel J. Strauss
13 Samuel J. Strauss (WSBA 46971)
14 **TURKE & STRAUSS LLP**
15 613 Williamson St., Suite 201
16 Madison, Wisconsin 53703
17 Telephone: (608) 237-1775
18 Facsimile: (608) 509-4423
19 sam@turkestrauss.com

20 *Counsel for Plaintiffs Linda Crawford,*
21 *Michael Price, and the Proposed Class*

Jeffrey S. Goldenberg (*Pro Hac Vice*)
GOLDENBERG SCHNEIDER, LPA
4445 Lake Forest Drive, Suite 490
Cincinnati, Ohio 45242
Telephone: (513) 345-8291
Facsimile: (513) 345-8294
jgoldenbergs@gs-legal.com

Charles E. Schaffer (*Pro Hac Vice*)
Nicholas Elia (*Pro Hac Vice*)
LEVIN, SEDRAN & BERMAN
510 Walnut Street, Suite 500
Philadelphia, PA 19106
Telephone: (215) 592-1500
cschaffer@lfsblaw.com
nelia@lfsblaw.com

Counsel for Plaintiffs Leo Thorbecke,
Marjorita Dean, and the Proposed Class

By: /s/ Gary E. Mason
Michael C. Subit (WSBA 29189)
FRANK FREED SUBIT & THOMAS LLP
705 Second Avenue, Suite 1200
Seattle, WA 98104
Telephone: (206) 682-6711
msubit@frankfreed.com

Gary E. Mason
Danielle L. Perry (*Pro Hac Vice*)
Lisa A. White
MASON LLP
5101 Wisconsin Ave. NW Ste. 305
Washington DC 20016
Telephone: (202) 640-1160
Facsimile: (202) 429-2294
gmason@masonllp.com
dperry@masonllp.com
lwhite@masonllp.com

Counsel for Plaintiff Eva Dresch and the
Proposed Class

By: /s/ Jason T. Dennett

Jason T. Dennett (WSBA 30686)
Rebecca L. Solomon (WSBA 51520)
TOUSLEY BRAIN STEPHENS PLLC
1200 Fifth Avenue, Suite 1700
Seattle, WA 98101-3147
Telephone: (206) 682-5600
Facsimile: (206) 682-992
jdennett@tousley.com
rsolomon@tousley.com

Terence R. Coates (*Pro Hac Vice*)
MARKOVITS, STOCK & DEMARCO, LLC
119 E. Court Street, Suite 530
Cincinnati, OH 45202
Telephone: (513) 651-3700
Facsimile: (513) 665-0219
tcoates@msdlegal.com

Joseph M. Lyon (*Pro Hac Vice*)
THE LYON FIRM
2754 Erie Avenue
Cincinnati, OH 45208
Telephone: (513) 381-2333
Facsimile: (513) 721-1178
jlyon@thelyonfirm.com

Counsel for Plaintiff Cynthia Strecker and the Proposed Class

By: /s/ Jennifer Rust Murray

Beth E Terrell
Jennifer Rust Murray
TERRELL MARSHALL LAW GROUP PLLC
936 N 34TH St, Ste 300
Seattle, WA 98103-8869
206-816-6603/Fax: 206-319-5450
Email: bterrell@terrellmarshall.com
Email: jmurray@terrellmarshall.com

Benjamin F. Johns (*Pro Hac Vice*)
Samantha E. Holbrook (*Pro Hac Vice*)
CHIMICLES SCHWARTZ KRINER & DONALDSON-SMITH LLP
One Haverford Centre
361 Lancaster Avenue
Haverford, Pennsylvania 19041
Telephone: (610) 642-8500
bfj@chimicles.com
seh@chimicles.com

Counsel for Plaintiffs Julie Mack, Joanne Mullins, Ingrid Cox, and the Proposed Class

By: /s/ Jason T. Dennett

Jason T. Dennett (WSBA 30686)
Rebecca L. Solomon (WSBA 51520)
TOUSLEY BRAIN STEPHENS PLLC
1200 Fifth Avenue, Suite 1700
Seattle, WA 98101-3147
Telephone: (206) 682-5600
Facsimile: (206) 682-992
jdennett@tousley.com
rsolomon@tousley.com

By: /s/ Jaime Drozd Allen

Jaime Drozd Allen (WSBA #35742)
DAVIS WRIGHT TREMAINE
920 Fifth Avenue, Suite 3300
Seattle, WA 98104-1610
Telephone: 206-622-3150
Facsimile: 206-757-7700
jaimeallen@dwt.com

William B. Federman
(Admitted *Pro Hac Vice*)
FEDERMAN & SHERWOOD
10205 North Pennsylvania Avenue
Oklahoma City, Oklahoma 73120
Telephone: (405) 235-1560
Facsimile: (405) 239-2112
wbf@federmanlaw.com

A. Brooke Murphy
(Admitted *Pro Hac Vice*)
MURPHY LAW FIRM
4116 Will Rogers Pkwy, Suite 700
Oklahoma City, OK 73108
Telephone: (405) 389-4989
abm@murphylegalfirm.com

*Counsel for Plaintiff and the Putative Class
Kenneth Hensley as legal guardian of minor
R.H.*

Stephen L. Saxl (*Pro Hac Vice*)
GREENBERG TRAUIG, LLP
One Vanderbilt Avenue
New York, NY 10017
Telephone: (212) 801-9200
Facsimile: (212) 805-9371
Saxls@gtlaw.com

Christopher S. Dodrill (*Pro Hac Vice*)
GREENBERG TRAUIG, LLP
2200 Ross Avenue, Suite 5200
Dallas, TX 75201
Telephone: (214) 665-3681
dodrillc@gtlaw.com

Jena Valdetero (*Pro Hac Vice*)
GREENBERG TRAUIG, LLP
77 West Wacker Drive
Chicago, IL 60601
Telephone: (312) 456-8400
valdeteroj@gtlaw.com

Counsel for Defendant MCG Health, LLC

PURSUANT TO THE FOREGOING STIPULATION, **IT IS SO ORDERED.**

Dated this 17th day of August, 2022.



David W. Christel
United States Magistrate Judge